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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,482	11/09/2001	Jimmy G. Bassett	32887/265439	9777

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EXAMINER

ALLEN, MARIANNE P

ART UNIT	PAPER NUMBER
1631	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,482

Applicant(s)

BASSETT ET AL.

Examiner

Marianne P. Allen

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-130 is/are pending in the application.
- 4a) Of the above claim(s) 4-13 and 23-121 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 14-22 and 122-130 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-130 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

Claims 122-130 have been newly introduced. Claims 1-3, 14-22, and 122-130 are under consideration.

Applicant's arguments filed 8/26/04 have been fully considered but they are not persuasive.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

Claims 4-13 and 23-121 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the response submitted 12/15/03.

### ***Claim Rejections - 35 USC § 112***

Claims 1-3, 14-22, and 122-130 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection.

Claims 1-3 have been amended. Claims 14-22 are dependent upon claims 1-3. Support for the amendments was stated to be "found throughout the specification." No basis is seen for the limitations for data relating to a need for a product, function or service and "product, function or service that at least partially satisfies the need." In particular, the term "chemical" has been

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removed from the claims and the specification does not contemplate non-chemical products.

Applicant is requested to point with particularity to the specification by page and line number in support of the claims as amended.

Claims 122-130 are new claims that appear to be modeled on original claims 1-3 and 14-22. However, new claim 122 differs in the recitation of the output module and the output data required by the system. The specification contemplates outputting data relating to a chemical product, function or service but does not contemplate unspecified data output. As written, the claim is not directed to output of the standard adhesive properties produced by the processing module of the claim. The claims are directed to a system and not a method.

Claims 1-3 and 14-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This is an enablement rejection.

This rejection is maintained for reasons of record.

Applicant argues that the specification discloses a model for calculating values for the standard adhesive properties of component blends thereby permitting one of ordinary skill in the art to determine the standard adhesive properties of component blends that display proportions divergent from those in Figure 7G. This is not agreed with as the claims are not limited to this model nor the components represented in Figure 7G. The trilinear analysis discussed is not a limitation of the claims. As set forth in the prior Office action, no guidance for developing

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predictive algorithms or models is provided. The specification and prior art of record does not demonstrate that trilinear analysis to predict standard adhesive properties was routinely used by those of ordinary skill in the art for component blends and standard adhesive properties other than that exemplified.

Applicant's arguments with respect to user entries being incompatible with the claims systems and methods is not persuasive. The claims are written so broadly that they encompass inputting any information.

Applicant is reminded that the claims are interpreted using the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art and that it is improper to read limitations from the specification into the claims.

***Claim Rejections - 35 USC § 102***

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al. (U.S. Patent No. 6,304,869).

This rejection is maintained for reasons of record.

The input of Moore et al. (for example, a chemical structure to query for similar structures) is embraced by the recitation of "input data relating to a need for a product." The needed product is a similar or identical structure found in the database in this example. The output of the results of the query meets the limitation "at least partially satisfies the need."

***Conclusion***

No claim is allowed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne P. Allen whose telephone number is 571-272-0712. The examiner can normally be reached on Monday-Thursday, 5:30 am - 1:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-0722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also

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enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

*Marianne P. Allen*  
Marianne P. Allen  
Primary Examiner  
Art Unit 1631

*11/9/04*

mpa